

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

***In re* FLINT WATER CASES**

**Civil Action No. 5:16-cv-10444-JEL-
(consolidated)**

Hon. Judith E. Levy

**NOTICE OF THE SPECIAL MASTER REGARDING UPDATE ON
REGISTRATION PROCESS FOR AMENDED SETTLEMENT AGREEMENT**

On January 21, 2021, the Court issued its *Opinion and Order Granting Plaintiffs’ Motion to Establish Settlement Claims Procedures and Allocation and for Preliminary Approval of Class Settlement Components [1318] and Granting Plaintiffs’ Motion for an Order Adopting the Proposed Motion for Approval of Wrongful Death Settlement [1334]*, ECF 1399 (“Order”).¹

The deadline for registering to make a claim for compensation under the Amended Settlement Agreement approved preliminarily by the Order was March 29, 2021. On March 23, 2021, I submitted a Notice of the Special Master Regarding Registration Process for Amended Settlement Agreement, ECF 1487. On March 31, 2021, I submitted a Notice of the Special Master Regarding Update on Registration Process for Amended Settlement Agreement, ECF 1554. In that March 31 Notice, I

¹ All capitalized terms herein have the same meaning set forth in the Amended Settlement Agreement that the Court has preliminarily approved.

reported that the Claims Administrator had received approximately 45,422 registrations that had been screened and that had been reviewed initially and had also received thousands of additional registration forms that had not yet been screened or tallied.

I have previously reported that the Claims Administrator would undertake an effort to obtain more information from registrants to enable the Claims Administrator to identify duplicate submissions. Although that information gathering process did yield some pertinent information, the Claims Administrator did not obtain sufficient information to identify all the duplicate submissions in the entire pool of registrations or to categorize all the claims. For example, many registrations were submitted without a date of birth or without a social security number.

At this time, the Claims Administrator has advised that further analysis of the population will have to await the submission of claim forms which will include more information and will thereby permit the identification of duplicative claims. The claim submissions will necessarily contain the information that will allow the Claims Administrator to categorize claims into the compensation categories in the Amended Settlement Agreement.

Following is a summary of the status of registrations at this time:

The Claims Administrator received 85,584 timely registration forms.

Of those, 49 percent were submitted by law firms and 51 percent were submitted individually.

The Claims Administrator has advised that 50,614 of those forms likely represent unique individuals – but the Claims Administrator has cautioned that there could still be duplicate claims within this group.

The Claims Administrator has further advised that an additional 21,655 of those timely filed registration forms (*i.e.*, separate from the 50,614 noted above) will still need additional review and information to determine the number of unique individuals and to determine all of their ages for purposes of categorization.

The Claims Administrator has identified 13,315 registrations out of the population of 85,584 as confirmed duplicates.

Of the 50,614 registrations noted above as likely unique individuals, the Claims Administrator has identified 12,512 as registrations for persons eligible based on their date of birth to make claims in the minor child, minor adolescent, or minor teen categories. More specifically, within the population of 50,614 registrants, the Claims Administrator has identified registrants in the following categories based solely on the date of birth reported on the registration form: 4,630 registrants in the “minor child” category; 3,241 registrants in the “minor adolescent” category; 3,660 registrants in the “minor teen” category; and 981 registrants who

were born after July 31, 2016. (Such children might allege exposure between August 1, 2016 and the Execution Date.)

The Claims Administrator has provided information about the 49% of registrations that were submitted by law firms. As previously reported with regard to the census data, there are thousands of individuals who appear to have retained more than one law firm. Some of these duplicate retentions have been resolved – but a large number remain. The registration data indicates that there are substantial numbers of individuals who have been “registered” by multiple law firms. Accordingly, until these multiple registrations are resolved and assigned to a single law firm, there is no way to identify which law firms represent the registrants. In addition, the data does not identify law firms that elected to submit registrations on paper, or through individual electronic submissions for each registrant. There are five law firms that account for the vast bulk of the registrations identified as law firm submissions: Marc J. Bern & Partners, LLP, Cohen Milstein Sellers & Toll PLLC, Cuker Law Firm, Levy Konigsberg, LLP, and Napoli Shkolnik.

The Claims Administrator has received 1,091 late registrations – meaning that the registrations were mailed with a postmark date or otherwise sent to the Claims Administrator after March 29, 2021.

Respectfully submitted,

Date: May 27, 2021

/s/ Deborah E. Greenspan

Deborah E. Greenspan

Special Master

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CERTIFICATE OF SERVICE

I certify that on May 27, 2021, I electronically filed the foregoing document with the Clerk of the Court using the Court's ECF system, which will send notification of such filing to attorneys of record.

Date: May 27, 2021

/s/ Deborah E. Greenspan
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Special Master
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